

REMARKS

Claims 1-6 and 9-11 are pending in this application. Claims 1, 3-6 and 9 have been amended. Favorable reconsideration is respectfully requested.

Applicants thank the Examiner for the indication that claims 10 and 11 are allowed.

Claims 1, and 3-6 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 1,801,490 (Falstrom). Claims 2 and 9 were rejected under 35 U.S.C. § 103 over Falstrom in view of U.S. Patent No. 4,610,185 (France). Applicants submit that the claims are patentable for at least the following reasons.

Amended independent claim 1 relates to a punching apparatus for punching a hole at a predetermined location on a work piece. The apparatus includes: a punch integrated into any one of a moving part of a press working machine and a supporting part of the press working machine; and a die integrated with the other one of the moving part and the supporting part, wherein each of the punch and the die has a plurality of planar surfaces to be fitted with datum planar surfaces of a fitting jig for positioning the punch and the die with respect to each other and at least one planar surface of the punch and at least one planar surface of the die are simultaneously fitted with the same datum planar surface of the fitting jig.

In Falstrom, the die 10 is fixed to the bottom master bolster 2 by the cross-key 6, which is inserted into the channel 4 in the bottom master bolster 2 and the channel 8 in the die 10. The upper punch 9 is fixed to the master bolster 1 by the cross-key 5, which is inserted into the channel 3 in the master bolster 1 and the channel 7 in the upper punch 9, so that the die 10 is positioned relative to the bottom master booster 2 and the upper punch 9 is positioned relative to the top master booster 1.

In the Office Action, the Examiner indicated that he considers the combination of the elements 5 and 6 to correspond to the claimed fitting jig and that the feature of “at least one plane of the punch and at least one plane of the die are simultaneously fitted with the same datum plane of the fitting jig” is met because “both elements (5, 6) of the fitting are simultaneously fitted with the datum planes of the punch and die.” Leaving aside the fact that this latter quotation is *not* the same thing as what is claimed, it is believed that the Examiner is reading the term “planes” to refer to planes that may *extend from* and between elements 5 and 6.

In fact, what was intended to be claimed was that at least one *planar surface* of the punch and at least one *planar surface* of the die are simultaneously fitted with the same datum *planar surface* of the fitting jig. In Falstrom, the punch is fitted with one or more planar surfaces of element 5, while the die is fitted with one or more *different* planar surfaces of element 6. The amendments to the independent claims make the distinction between the claims and Falstrom even more clear since there can be no common (i.e., “same”) planar surface anywhere on the jig of Falstrom that is fitted with *both* a planar surface of the punch and a planar surface of the die, as is required by amended claim 1.

In view of the above, amended independent claim 1 is believed clearly patentable over the cited art.

Amended independent claims 5 and 9 recite substantially similar features and are believed patentable for substantially similar reasons.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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